

REMARKS

Amendments to the Specification and Claims

Applicants have canceled Claims 2-4 and 7, and have amended Claims 6 and 8. Support for amendments to the claims is found throughout the specification. For example, page 15, lines 2-4, describe SEQ ID NO: 7 and the deletion of a Thymine at position 6594 of SEQ ID NO: 1 (as reflected by positions 6593-6595 of SEQ ID NO: 7). Support for fragments that hybridize to nucleic acid sequences or the complement of such sequences can be found, for example on page 18, line 28 through page 19, line 2.

Applicants have also amended the specification such that the description of Figures 5A-5C corresponds to Figures 5A-5C as submitted on November 18, 2002.

No new matter has been added. Entry is respectfully requested.

Objection to the Disclosure

The Examiner objects to the disclosure, stating that it contains an embedded hyperlink and/or other form of browser-executable code. The Examiner requests that Applicants delete the embedded hyperlink and/or other form of browser-executable code completely.

Applicants respectfully traverse this objection and direct the Examiner's attention to MPEP §608.01. "Examples of a hyperlink or a browser-executable code are a URL placed between these symbols "<>" and http:// followed by a URL address." Applicant has disabled the embedded hyperlinks by prior Amendment, and, as such, the text objected to by the Examiner is no longer 'browser-executable'. The text, as amended, no longer contains a hyperlink as exemplified in the MPEP as "http:// followed by a URL address." Therefore, as amended, the text the Examiner refers to on page 3 of the Office Action does not contain objectionable embedded hyperlinks and/or browser-executable code. Therefore, reconsideration and withdrawal of the objection are respectfully requested.

Rejection of Claims 2-4 and 6-8 Under 35 U.S.C. §112, First Paragraph

Claims 2-4 and 6-8 are rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed. The Examiner indicates that one of skill in the art would not conclude Applicants had possession of the claimed invention because specific fragments containing nucleotide positions 6593 and 6594 were not sufficiently described in the specification.

Applicants have canceled Claims 2-4 and 7, and have amended Claims 6 and 8.

Applicants respectfully traverse this rejection. Possession may be shown in many ways. For example, possession may be shown by describing an actual reduction to practice of the claimed invention. Possession may also be shown by a clear depiction of the invention in detailed drawings or in structural chemical formulas which permit a person skilled in the art to clearly recognize that applicant had possession of the claimed invention. An adequate written description of the invention may be shown by any description of sufficient, relevant, identifying characteristics so long as a person skilled in the art would recognize that the inventor had possession of the claimed invention. Moreover, what is conventional or well known to one of ordinary skill in the art need not be disclosed in detail. If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. MPEP §2163.

Claim 6 recites an isolated polynucleotide fragment of SEQ ID NO: 7 comprising nucleotide positions 6593-6395 of SEQ ID NO: 7, wherein the fragment is at least 15 nucleotides in length. Applicants clearly disclosed the nucleotide sequence of SEQ ID NO: 7 in the application as filed and state at page 3, lines 8-12, that the invention includes fragments of, inter alia, SEQ ID NO: 7 which are at least about 10 nucleotides in length. Clearly, Applicants were in possession of the complete nucleotide sequence of SEQ ID NO: 7 at the time the application was filed, and thus must be said to have been in possession of portions of SEQ ID NO: 7, particularly where Applicants clearly indicated at the cited pages that these fragments or portions were part of the invention.

Claim 8 recites a nucleic acid molecule that hybridizes under high stringency conditions to a nucleotide sequence comprising nucleotide positions 6593-6395 of SEQ ID NO: 7 and at least ten flanking nucleotides of SEQ ID NO: 7 or the complement of said nucleotide sequence.

Again, Applicants clearly disclosed the nucleotide sequence of SEQ ID NO: 7 and its complement in the Specification as filed. In addition, Applicants clearly describe in the Specification at page 17, line 11, through page 18, line 11, that the invention encompasses nucleic acid molecules which hybridize under high stringency conditions as set forth in the application. The skilled artisan would know that the description of a particular nucleotide sequence (SEQ ID NO: 7 or its complement) to which the claimed sequence hybridizes and the description of particular hybridization conditions are sufficient identifying characteristics to clearly indicate that Applicants were in possession of the claimed invention at the time the application was filed. An explicit description of the specific sequence of the claimed invention is not necessary in accordance with MPEP §2163.

As shown by the comments above, one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claim 6 Under 35 U.S.C. §102

Claim 6 is rejected under 35 U.S.C. §102(a) as being anticipated by NCI-Cancer Genome Anatomy Project (CGAP, EST, January 4, 1999; AA897178).

Applicants have amended Claim 6 to recite a nucleotide sequence comprising nucleotide positions 6593-6395 of SEQ ID NO: 7. As amended, the claimed invention is not anticipated by the teachings of NCI-Cancer Genome Anatomy Project, as the reference does not teach each element of the claimed invention. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.-

Status of Claims

Applicants acknowledge the withdrawal of the rejections from the prior Office Action, and further acknowledge the Examiner's conclusion that Claims 1, 9-12 and 23 are free of prior art. It appears, in fact, that Claims 1, 9-12 and 23, are allowable, as there are no rejections outstanding against these claims.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

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MARKED-UP VERSION OF AMENDMENTS

Specification Amendments Under 37 C.F.R. § 1.121(b)(1)(iii)

Replace the paragraph at page 8, lines 3 through 9 with the below paragraph marked up by way of bracketing and underlining to show the changes relative to the previous version of the paragraph.

- - - Figures 5A-5C show the alignment of the human Spastin with the mouse Spastin. Identical amino acids and gaps are represented by dots and hyphens, respectively. [Light gray shading denotes the] The self-homologous region containing the Hsp90 homology occurs at positions 705-833 and 1773-1895, and italics indicate [dark gray shading highlights] the DnaJ region. The bolded [boxed] sequences represent leucine zipper motifs, underlined sequences represent coiled coil domains, and the boxed and underlined sequence delineates the putative hydrophilic region. The first coiled coil domain is interrupted by a proline in the mouse sequence. - - -

Claim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

6. (Twice Amended) An isolated polynucleotide fragment of SEQ ID NO: 7 comprising nucleotide positions 6593-6395 [6593 and 6594] of SEQ ID NO: 7, wherein the fragment is at least 15 nucleotides in length.
8. (Twice Amended) A nucleic acid molecule that hybridizes under high stringency conditions to a nucleotide sequence comprising nucleotide positions 6593-6395 [6593 and 6594] of SEQ ID NO: 7 and at least ten flanking nucleotides of SEQ ID NO: 7 or the complement of said nucleotide sequence.